

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
PORTLAND DIVISION

DAN BRINKMAN,

10-CV-192-HU

Plaintiff,

ORDER

v.

LIBERTY TAX SERVICE, JOHN
HEWITT (CEO of LIBERTY TAX),
FOX NEWS NETWORK,
THE NATIONAL ASSOCIATION OF
ATTORNEYS GENERAL, THE NATIONAL
ASSOCIATION OF STATE TREASURERS,
UNITED STATES DEPARTMENT OF
JUSTICE, UNITED STATES POSTAL
SERVICE, UNITED STATES DEPARTMENT
OF TREASURY, and NATIONAL CONFERENCE
OF STATE LEGISLATURES,

Defendants.

DAN BRINKMAN

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Plaintiff, *Pro Se*

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State Legislatures

BROWN, Judge.

Magistrate Judge Dennis James Hubel issued Findings and Recommendation (#52) on September 24, 2010, in which he recommends the Court deny Plaintiff's Motion (#30) of Entry for a Default Order, deny Plaintiff's Motion (#31) for Default Judgment, deny Plaintiff's Motion (#29) to Amend Federal Complaint, and grant Defendants' Motions to Dismiss (##15, 19, 22, 24, 40, and 48) on the ground that Plaintiff lacks standing to bring this action, and, therefore, this Court lacks subject-matter jurisdiction. Plaintiff filed timely Objections and a Motion (#63) to Dismiss (Withdraw). The matter is now before this Court pursuant to 28 U.S.C. § 636(b)(1) and Federal Rule of Civil Procedure 72(b).

When any party objects to any portion of the Magistrate Judge's Findings and Recommendation, the district court must make a *de novo* determination of that portion of the Magistrate Judge's report. 28 U.S.C. § 636(b)(1). *See also Dawson v. Marshall*, 561 F.3d 930, 932 (9th Cir. 2009); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003)(*en banc*).

This Court has carefully considered Plaintiff's Objections and concludes they do not provide a basis to modify the Findings and Recommendation. The Court also has reviewed the pertinent portions of the record *de novo* and does not find any error in the Magistrate Judge's Findings and Recommendation.

The Court, therefore, concludes Plaintiff lacks standing to bring this action, and, therefore, the Court lacks subject-matter jurisdiction. Accordingly, the Court also **DENIES as moot** Plaintiff's Motion (#63) to Dismiss (Withdraw) his claims against the United States Postal Service, the National Conference of State Legislatures, and Fox News Network and Plaintiff's Motion (#66) to Dismiss (Withdraw) his claims against Defendants United States Department of Treasury and National Association of Attorneys General, both filed after the Magistrate Judge filed his Findings and Recommendation.

CONCLUSION

The Court **ADOPTS** Magistrate Judge Hubel's Findings and Recommendation (#52) and, accordingly,

1. **DENIES** Plaintiff's Motion (#30) of Entry for a Default Order,
2. **DENIES** Plaintiff's Motion (#31) for Default Judgment,
3. **DENIES** Plaintiff's Motion (#29) to Amend Federal Complaint,
4. **DENIES as moot** Plaintiff's Motion (#63) to Dismiss (Withdraw) his claims against the United States Postal Service, the National Conference of State Legislatures, and Fox News Network,
5. **DENIES as moot** Plaintiff's Motion (#66) to Dismiss

(Withdraw) his claims against Defendants United States Department of Treasury and National Association of Attorneys General, and

6. **GRANTS** Defendants' Motions to Dismiss (#15, #19, #22, #24, #40, and #48).

IT IS SO ORDERED.

DATED this 14th day of December, 2010.

/s/ Anna J. Brown

ANNA J. BROWN
United States District Judge